

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 22-20701-CIV-BLOOM/OTAZO-REYES**

PABLO COMAS,

Plaintiff,

v.

CHRIS'S AUTO SALES CORP.,  
SACHA BROCHE,

Defendants.

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**REPORT AND RECOMMENDATION**

THIS CAUSE came before the Court upon Plaintiff Pablo Comas' ("Plaintiff") Motion for an Award of Attorneys' Fees and Costs and Motion to Compel Fact Information Sheets (hereafter, "Motion") [D.E. 27]. This matter was referred to the undersigned pursuant to 28 U.S.C. § 636 by the Honorable Beth Bloom, United States District Judge [D.E. 28]. For the reasons stated below, the undersigned RESPECTFULLY RECOMMENDS that Plaintiff's Motion be GRANTED as to Defendant Chris's Auto Sales Corp. ("Chris's Auto Sales") only; and that Plaintiff be AWARDED fees and costs in the requested amount of \$7,374.37 as to this Defendant only, pending potential further proceedings regarding co-Defendant Sacha Broche.

**FACTUAL AND PROCEDURAL BACKGROUND**

On March 8, 2022, Plaintiff filed this action against Chris's Auto Sales and Sacha Broche ("Ms. Broche"), asserting claims for: violations of the Fair Labor Standards Act's minimum wage provisions (Count 1); breach of contract against Chris's Auto Sales (Count 2); and unjust

enrichment against Chris's Auto Sales (Count 3). See Compl. [D.E. 1].<sup>1</sup> On May 25, 2022, the Court entered Default Final Judgment against Chris's Auto Sales and Ms. Broche (together, "Defendants") [D.E. 26].

On June 10, 2022, Plaintiff filed the instant Motion seeking fees and costs pursuant to 29 U.S.C. § 216(b). See Motion [D.E. 27 at 8]. Specifically, Plaintiff requests:

Attorney's Fees:	\$6,800.00
Expenses and Costs:	\$ 574.37
TOTAL:	\$7,374.37

Defendants did not respond to Plaintiff's Motion within the time prescribed by Rule 7.1(c) of the Local Rules for the Southern District of Florida. On June 27, 2022, the undersigned issued an Order to Show Cause requiring Defendants to show good cause why the Motion should not be granted by default pursuant to Local Rule 7.1 or, in the alternative, respond to the Motion within twenty days from the date of the Order. See Order to Show Cause [D.E. 29]. Local Rule 7.1 provides that failure to respond to a motion "may be deemed sufficient cause for granting the motion by default." S.D. Fla. L. R. 7.1(c). On July 15, 2022, Ms. Broche responded to the Order to Show Cause [D.E. 33]. The undersigned addresses potential further proceedings as to Ms. Broche by separate order. However, to date, Chris's Auto Sales has failed to respond to the Order to Show Cause or Plaintiff's Motion.

Given this failure to respond, the undersigned finds sufficient cause for granting Plaintiff's Motion by default as to Chris's Auto Sales. Additionally, the undersigned finds Plaintiff's request for fees and costs to be reasonable.

### **RECOMMENDATION**

Based on the foregoing, the undersigned RESPECTFULLY RECOMMENDS as follows:

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<sup>1</sup> A third Defendant named in the Complaint, Amanda Barrios, was voluntarily dismissed from this action on May 17, 2022. See Order of Dismissal Without Prejudice [D.E. 19].

- (1) That Plaintiff's Motion [D.E. 27] be GRANTED as to Chris's Auto Sales only.
- (2) That Plaintiff be awarded the sum of **\$7,374.37** as fees and costs in this action pursuant to 29 U.S.C. § 216(b), to be paid by Chris's Auto Sales.
- (3) That Chris's Auto Sales be COMPELLED to complete Florida Form 1.977, Fact Information Sheet, with all required attachments, within thirty days of Plaintiff's service of Form 1.977 on Chris's Auto Sales.

Pursuant to Local Magistrate Judge Rule 4(b), the parties have **fourteen days** from the date of this Report and Recommendation to file written objections, if any, with the Honorable Beth Bloom, United States District Judge. Failure to file timely objections may bar the parties from attacking the factual findings contained herein on appeal. See Resolution Tr. Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Further, "failure to object in accordance with the provisions of [28 U.S.C.] § 636(b)(1) waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions." See 11th Cir. R. 3-1 (I.O.P. - 3).

RESPECTFULLY SUBMITTED in Chambers in Miami, Florida, on this 15th day of August, 2022.

  
ALICIA M. OTAZO-REYES  
UNITED STATES MAGISTRATE JUDGE

Copies furnished via CM/ECF to:

United States District Judge Beth Bloom  
Counsel of Record

Copies furnished by mail to:

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